# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/489,517 | 01/21/2000 | John Richard Zavgren JR. | 99-445 | 5940 |

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| 32127 | 7590 | 11/24/2003 |

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| EXAMINER |
|---|
| FERRIS, DERRICK W |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2663 | |

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒  The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☐  A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐  The proposed amendment(s) will not be entered because:

   (a) ☐  they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐  they raise the issue of new matter (see Note below);

   (c) ☐  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐  they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.

3.☐  Applicant's reply has overcome the following rejection(s): _____.

4.☐  Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒  The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☐  For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
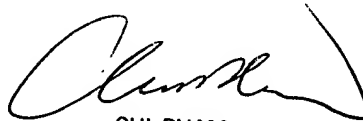
   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8.☐  The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.

10.☐  Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: At issue is the further limitation "replaying for an operator, network operation as the operation occurred during a time period using the reconstructed network element" or its equivalent as recited in independent claims 1, 13, 14, 26, 32, and 34. Applicant asserts that Garg et al. teaches recreating a network configuration as it existed at some previous point in time (column 12, lines 14-22) in reference to applicant's remarks on page 4, paragraph 4. At issue between the examiner and applicant is the difference between the teachings of Garg et al. and what is recited above with respect to the limitation of replaying (i.e., the differences between the two statements above). Specifically at issue are specific elements of the above-cited claim limitation which appear to differ throughout prosecution as pointed out by applicant on at least page 3, paragraph 4 of applicant's remarks. Applicant has requested that the examiner identify the feature/element not recited in claim 1 (see applicant's remarks on page 5, lines 4-6) but fails to particularly and distinctly mention the exact feature/element at issue (i.e., it is unclear what the term "this" refers to with respect to "this feature" mentioned on page 5, lines 4-6 of applicant's remarks). Examiner assumes applicant is referring to "replaying" and "as the operation occurred during a time period" since applicant underlined these limitations on page 3, paragraph 4. During prosecution, various items of the above-cited recitation have been debated such as "network operation". Applicant's request for reconsideration addresses the singular teachings of Garg et al. and Robins et al. but fails to address the teachings in combination with respect to the rejection as a whole which is what the examiner's rejection is based on other than applicant mentions a lack of motivation (e.g., see page 5 of applicant's remarks). Examiner notes a motivation is provided on page 4, second paragraph of applicant's final Office action mailed 8/14/03. Examiner will now address the above-mentioned limitations in further clarity. With respect to the above recited claim limitation, examiner notes the teachings of Garg et al. at column 11, line 23 – column 12, line 59 in particular and as pointed out by applicant in applicant's remarks on pages 3-4. In particular, Garg et al. teaches maintaining configuration data by recordation control 44 through the use of a base configuration table and a configuration log. As the configuration log records operational data, the limitation "network operation as the operation occurred during a time period" is taught by the reference. By updating configuration log 158 each time the network configuration changes, the combination of configuration log 158 and base configuration table 150 can reconstruct the configuration of the network at previous points in time (e.g., see column 12, lines 13-21) over a given time period. Since the network can be reconstructed over a time period, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to "replay" a network operation since Garg et al. teaches going backwards in time to show a previous configuration. Thus Garg et al. provides support and motivation for "replaying" a message. In other words, examiner notes a reasonable but broad interpretation of "replaying" such that by going back in time a network operator is able to "replay" a network operation. Specifically, with respect to applicant's specification on page 8, line 21 – page 9, line 10 (and in reference to applicant's step 540 shown in figure 5) Garg et al. teaches permitting a user to "step back" (or "step forward") as the network evolves over time which meets a reasonable but broad interpretation of "replaying". As to claim 27, figure 3 of Garg et al. discloses the data reduction module 32 of figure 2. In particular, figure 3 shows "areas" of performance and configuration information for recording. Examples of information stored are mentioned at column 4, lines 20-35 and column 11, lines 45-48. One skilled in the art would have been motivated to find "node status" and "link status" as part of the description found at column 4, lines 20-35 and column 11, lines 45-48.

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